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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,113

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Chihiro Hirose

8091-1003

7041

466 7590 11/10/2010  
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EXAMINER

TISSOT, ADAM D

ART UNIT

PAPER NUMBER

3663

NOTIFICATION DATE

DELIVERY MODE

11/10/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/594,113	<b>Applicant(s)</b> HIROSE, CHIHIRO	
	<b>Examiner</b> ADAM TISSOT	<b>Art Unit</b> 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11, 15-18 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11, 15-18 and 22-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>15 October 2009</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. The objection related to claim 25 has been withdrawing in view of the amendments. The limitation "whether" has been removed from the claim.
2. Applicant's arguments filed on 11/19/2009 have been fully considered but they are not persuasive.
3. In response to the arguments regarding how the distances are calculated between the reference point and the vehicle, Examiner is relying on Endo to teach the calculation of distance involving a vehicle and reference point. The fact that Ozawa teaches an alternative method for calculating distance does not render the combination ineffective. Reliance on Ozawa to teach an additional limitation is proper.
4. Additionally, Applicant's arguments do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11, 15-18, and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endo et al. (U.S. Patent 5,902,349) in view of Ozawa (Japanese Patent Publication 2000-193478 using English abstract and English machine translation of the detailed description) and in further view of Park, et al. (U.S. Patent No. 7,266,448).

7. Regarding claims 11, 18, and 25, Endo et al. disclose a navigation apparatus comprising:

A guiding unit configured to guide a route to a destination (guide route controller 21, col. 12, lines 4-19).

a deviation judging unit (fig. 4, map matching controller 21) configured to judge whether a moving object has deviated from a guided route (NVP1, col. 12, lines 34-35) to a destination (fig. 4, map matching controller 21 sends off-route signal 22, col. 13, lines 51-54, fig. 9, step 2);

a re-searching unit (fig. 4, guide route controller 23) configured to re-search a route to the destination when the deviation judging unit judges that the moving object

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has deviated from the guided route and in response to the route being re-searched, the guiding unit is configured to guide the re-searched route (fig. 9, step 6, col. 14, lines 16-20).

a distance calculating unit (fig. 4, guide route controller 23, col. 13, line 65 - col. 14, line 5) configured to calculate a first distance and a second distance (fig. 10, linear distances D1), the first distance being a distance from a deviated point to a (triangle Pc of fig. 10) to a first planned route point (figs. 5, 10, 11, & 22, Xs or dots for nodes), the second distance being a linear distance from the deviated point to a second planned route point (figs. 5 & 10, linear distance D1 to a different node), when the deviation judging unit judges that the moving object has deviated from the guided route before passing through the first planned route point;

a route judging unit (fig. 4, guide route controller 23) configured to judge whether to pass the first planned route point and second planned route point based on the distances to the first and second planned route points (fig. 9, step 5, fig. 10 determines which route points X to pass based on distance D1, col. 14, lines 1-15); and

wherein the re-searching unit (fig. 4, guide route controller 23) is configured to re-search a route passing the second planned route point without passing the first planned route point when the route judging unit judges that the first planned route point is not to be passed (fig. 10, route to a second pre-planned route point skips other first pre-planned route points, fig. 9, step 6, col. 14, lines 16-20).

However, Endo do not specifically disclose judging that the first planned route point is to be passed when the first distance is increasing and the distance to a second point is decreasing.

Ozawa (abstract) teaches that it will not pass a planned route point if the distance to the point is "larger than the distance preciously measured", which means it is an increasing trend. It would have been obvious to apply the teaching of not passing any waypoints in which the distance is increasing to the invention of Endo, so that the waypoints in which the distance is increasing are not passed, and at least one of the waypoints in which the distance is increasing is passed.

However, the combination of Endo and Ozawa does not specifically disclose the route judging unit judges whether the first planned route point is passed when the moving object deviates from the guided route more than predetermine times.

Park teaches preventing the main control part 110 from concluding the deviation of the moving object due to communication and equipment troubles, the system receives GPS position data for a predetermined period of time, and concludes that the moving object is indeed deviated if the same conclusion is drawn more than a certain number of times (see col. 4, lines 18-30).

8. Regarding claims 15 and 22, Endo et al. disclose a presenting unit (fig. 4, display 2, audio 7) configured to present, when the route judging unit judges that the planned route point is not to be passed, that the planned route point is not to be passed (figs. 10 & 11, presents route to the return point bypassing the nodes that it determines are not to be passed, col. 14, lines 16-24).

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9. Regarding claims 16 and 23, Endo et al. disclose a presenting unit (fig. 4, display 2, audio 7) configured to present a content to confirm whether to pass the planned route point when the route judging unit judges that the planned route point is not to be passed (figs. 10 & 11, presents route to the return point bypassing the nodes that it determines are not to be passed, col. 14, lines 16-24; col. 15, lines 44-52); and

an acquiring unit (fig. 4, controller 23 senses via GPS 4 and other sensors 5, 6, 20, 21, that user drove to the return point indicated by presentation display 2 or audio 7, or user input via remote control 7, col. 15, lines 52-63, figure 5, steps 4, 5, 7, 10) configured to acquire information indicative of an instruction in response to the confirmation, wherein the re-searching unit (fig. 4, controller, 23) configured to re-search a route based on the instruction (fig. 12, steps 7, 8, 10, col. 15, line 49 - col. 16, line 13).

10. Regarding claim 17 and 24, Endo et al. disclose the route judging unit is configured to judge that the planned route point is to be passed based on distance thresholds (distance D to the other nodes are threshold distances for determining if a node is to be passed, col. 14, lines 1-15 & 57-62, distance thresholds D3, col. 15, line 64 - col. 16, line 4). It would have been obvious to use any distance as a threshold for calculating a route because distance thresholds are well known in the art.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ADAM TISSOT whose telephone number is (571)270-3439. The examiner can normally be reached on Monday - Friday from 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on (571)272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JACK KEITH/

Supervisory Patent Examiner, Art Unit 3663